

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

LIBERTY MUTUAL INSURANCE COMPANY,)	CIVIL ACTION
)	No. 96-10804-DPW
Plaintiff,)	No. 1:04-CV-10648-DPW
)	[Abarca Bostik]
v.)	No. 1:04-CV-10649-DPW
)	[Alwell Asbestos]
THE BLACK & DECKER CORPORATION,)	No. 1:04-CV-10676-DPW
BLACK & DECKER, INC., BLACK & DECKER)	[Pennsylvania Benzene]
(U.S.) INC., EMHART CORPORATION, and)	No.1:04-CV-10670-DPW
EMHART INDUSTRIES, INC.,)	[Medway]
)	No. 1:04-CV-10665-DPW
Defendants.)	[PAS Fulton]
)	No. 1:04-CV-10675-DPW
)	[PAS Oswego]

**BLACK & DECKER’S MOTION FOR AN AWARD OF ATTORNEY’S FEES
REGARDING THE ABARCA BOSTIK, ALWELL ASBESTOS, PENNSYLVANIA
BENZENE, MEDWAY, PAS FULTON AND PAS OSWEGO CLAIMS**

Black & Decker moves for an award of attorney’s fees on the Abarca Bostik, Alwell Asbestos, Pennsylvania Benzene, Medway, PAS Fulton and PAS Oswego claims (“the claims”). In support, thereof, Black & Decker states:

1. Black & Decker has established, following the filing of summary judgment motions, the duty of Liberty Mutual to defend the claims.
2. Black & Decker is entitled to a judgment in its favor concerning Liberty Mutual’s duty to defend the claims, or, at least the same recovery as if judgment had entered on the record.
3. Black & Decker is entitled to recovery of its attorney’s fees in establishing the duty to defend under Massachusetts law and Connecticut law.

4. The basis of this motion is set forth in greater detail in the memorandum in support of this motion, filed herewith and incorporated herein.

REQUEST FOR ORAL ARGUMENT

5. Black & Decker believes that oral argument may assist the Court in its consideration of this motion and requests an opportunity to be heard in connection with the motion.

Respectfully submitted,

/s/ Jack R. Pirozzolo

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